

STATEMENT

OF

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DEPARTMENT OF HOMELAND SECURITY**

BEFORE

HOUSE COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE ON MANAGEMENT, INTEGRATION, AND OVERSIGHT

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I. Introduction

Chairman Rogers, Ranking Member Meek, Members of the Subcommittee, it is a privilege to appear before you today to discuss the cooperative working relationship that U.S. Customs and Border Protection (CBP) has with its sister agency, U.S. Immigration and Customs Enforcement (ICE).

I want to begin by expressing my gratitude to the Subcommittee for the strong interest you have shown in CBP and ICE, and the time you have taken in your oversight role to visit our front line officers to see first hand the challenges we face in securing our borders. I am confident, working with the Congress that CBP and ICE can succeed together in our responsibilities to the American people.

II. Creating the Department of Homeland Security

Please allow me to briefly cover some history of CBP and its role in the Department. In March 2003, components of 22 different Federal agencies were brought together to form the Department of Homeland Security (DHS). Recognizing the need to have a single border enforcement agency, CBP was formed by joining much of the U.S. Customs Service, with the Border Patrol, border inspection elements of the Immigration and Naturalization Service, and border inspection personnel from the U.S. Department of Agriculture. CBP acts as the guardian of the Nation's borders, safeguarding the homeland by protecting the American public against terrorists and the instruments of terrorism, while enforcing the laws of the United States and fostering the Nation's economic security through lawful travel and trade.

In addition to CBP, the new Department included six other operational component agencies (ICE, the Transportation Security Administration, U.S. Citizenship and Immigration Services, the U.S. Coast Guard, Secret Service and the Federal Emergency Management Agency). All seven agencies were changed to some degree by the creation of DHS, and all had to develop new working relationships with each other. Since ICE and CBP shared legacy portions of both the U.S. Customs Service and the Immigration and Naturalization Service, and because the missions of the two agencies formed a significant continuum of law enforcement, these two agencies needed to create particularly strong cooperative networks, from headquarters through the field commanders to the front line officers. I am pleased to report today on the details of the significant progress we have made in this effort.

While in the midst of forming effective working relationships with ICE and the other DHS component agencies, the newly formed CBP also had to launch a parallel effort internally to bring together four different work forces inherited from the legacy agencies. At the ports of entry, where inspectional staff from several agencies were merged into one organization, we established as our goal "One

Face at the Border,” a comprehensive approach to forging the disparate elements of the legacy agencies into a unified and effective workforce, focused on the new anti-terrorism mission. Between the ports of entry, the Border Patrol was also facing unique challenges, re-focusing on anti-terrorism as its priority mission and entering a period of rapid growth to meet new mandates to gain more effective control of the border and improve interdiction of illegal immigration.

Our transition management process focused on the changes needed to bring CBP together as one agency with a single culture and one mission to which all our personnel felt a sense of commitment and dedication. We fully utilize the unique talents and expertise of all personnel from the legacy agencies to achieve this mission.

In October 2004, while continuing to move forward on “One Face at the Border” and other unification initiatives, Secretary Ridge moved the air and marine force from ICE to CBP, combining two operational entities with similar missions into one agency with a single chain of command and a clear, coordinated mission set. Specifically, ICE’s Office of Air and Marine Operations (AMO) was moved to CBP, where it was subsequently consolidated with the Office of Border Patrol’s air and marine units to form Customs and Border Protection Office of Air and Marine (OAM), the single largest unified law enforcement air force in the world.

Within a three year period, CBP has been simultaneously managing three separate major reorganizations: the move to a new Department, the consolidation of four legacy work forces, and the addition and unification of major new operational air and marine forces. While it is often said that mergers of this magnitude take many years to be fully institutionalized, we are enjoying solid success and realizing increasing benefits on a daily basis from the synergy and improved operational effectiveness of the new organization.

III. ICE-CBP Headquarters Coordination

Because personal and operational relationships had already existed between the legacy agencies, CBP’s close working ties to ICE at both the managerial and field levels were already in place when DHS was created. I would like to describe how we have institutionalized these relationships at headquarters to continue to support each other effectively, while maintaining the autonomy of the two organizations, each with a unique and important mission.

Under the Secretary’s direction, the ICE-CBP Coordination Council was established. The Council meets regularly and has made significant progress on policy and operation issues where senior decision makers’ engagement has produced rapid agreements on joint solutions. Chaired by the CBP

Commissioner and the ICE Assistant Secretary, the Council's core membership includes the operational leadership of both agencies:

CBP	ICE
Acting Commissioner	Assistant Secretary
Assistant Commissioner, Office of Field Operations	Deputy Assistant Secretary
Chief, Office of Border Patrol	Director, Office of Investigations
Assistant Commissioner, Air and Marine	Director, Office of Detention and Removal
Director, Office of Policy and Planning	Senior Policy Advisor
Director, Office of Anti-Terrorism	

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Through the Coordination Council, CBP and ICE are clarifying guidance to the field on referring cases for investigation and handling seized property, and we also agreed on a joint response to the recommendations in the DHS Inspector General's report entitled, *An Assessment of the Proposal to Merge Customs and Border Protection with Immigration and Customs Enforcement*. Under the Council's leadership, we developed a strategy for addressing an ICE requirement for temporary CBP augmentees to cover a short-term personnel shortage. Additionally, we have defined each agency's roles and responsibilities in meeting DHS requirements at our overseas embassies and consulates.

The Air and Marine Operations Council is another major forum for CBP/ICE coordination on critical operational issues. The Air and Marine Operations Council is a vital part of the new command structure designed to make CBP OAM more flexible, effective, and efficient against the various threats it combats. Members of the Air and Marine Operations Council include the Commissioner and Deputy Commissioner of CBP, the Assistant Commissioner for CBP Air and Marine, the Chief of the Border Patrol and the Director of the Office of Investigations (OI) within ICE. The Air and Marine Operations Council makes recommendations on key operational and tactical control matters, ensuring that a balanced process is in place for addressing the varied mission requirements our aviation program must satisfy.

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IV. CBP Border Patrol and ICE Office of Investigations Coordination

At the field level, there is extensive interaction and cooperation between ICE and CBP. In 2004, the CBP Office of the Border Patrol (OBP) established a Memorandum of Understanding (MOU) with the ICE OI. The MOU established that ICE OI has primary responsibility for all investigations into border interdiction/apprehension operations that CBP OBP conducts between the ports of entry, with the exception of narcotics. Under CBP's Title 21 Delegated Authority, the Drug Enforcement Administration (DEA) has the first right of refusal

for investigation of narcotics cases. When CBP OBP makes a referral to DEA, it provides details of the referral and pertinent information and intelligence to ICE. Under the MOU, frequent discussions are held between CBP OBP Sector Chiefs and ICE Special/Resident Agents in Charge on improving operational planning, communications and information sharing. These discussions and a strong commitment to cooperation have resulted in significant improvements in the joint capabilities of both agencies and numerous successful joint operations:

- A Border Enforcement and Security Task Force (BEST) has been created in Laredo, Texas, and in March, a second BEST began in Tucson, Arizona. The BESTs are new arrangements for sharing information, developing priority targets, and executing coordinated law enforcement operations, not only between ICE and CBP, but with State and local law enforcement as well, with the goal of dismantling border criminal organizations.
- In several Sectors, such as El Centro, Del Rio and San Diego, Border Patrol agents have been assigned to ICE Human Trafficking Units to promote improved information sharing and better operational coordination against human smuggling organizations. Co-location of our personnel has been instrumental in breaking up several of these gangs and improving our joint ability to apprehend other-than-Mexican illegal aliens, as well as Special Interest Aliens.
- Local ICE offices periodically assign their Senior Intelligence Research Specialists (IRS) to Border Patrol Special Intelligence Units to improve information exchange and share best practices on intelligence support to operations. This cooperation has contributed directly to improved operational success against human, narcotics and weapons smuggling operations.
- In San Diego, the ICE Special Agent in Charge and Border Patrol Chief Patrol Agent have agreed to use the San Diego Sector Command and Control Intelligence Coordination Center (CCICC) as the conduit for the dispersal of real time and other intelligence from BP to OI and vice versa. All notifications to ICE OI are coordinated through the CCICC and ICE OI has committed to assigning an intelligence analyst to the center for information sharing.
- The Temecula Border Patrol Station has entered into an agreement with the ICE OI ASAC for Riverside/San Bernardino counties to collocate a Border Patrol intelligence agent in their office. The agent facilitates information sharing for joint enforcement operations for alien smuggling/load houses in the Station's area of responsibility. When ICE has a target location they would like to investigate in this area, they pass the information to the Temecula Station and provide a case agent to support an enforcement action.

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- Operation Streamline is an outstanding example of how close cooperation between ICE's Detention and Removal Operations Office and the Border Patrol has produced a highly successful operation. To support this special operation, the Border Patrol has assigned two Supervisory Agents to the San Antonio DRO office to assist in travel coordination for aliens apprehended, prosecuted, and removed. As part of the multi-layered enforcement effort, the Border Patrol and DRO have worked hand-in-hand preparing and coordinating removal proceedings for those aliens requiring appearances before an immigration judge.
- Recently, CBP OBP and ICE cooperated on three high profile operations in New Orleans. CBP OBP Agents manned boats to intercept a drug and alien smuggling load that originated in Colombia, and CBP OBP Agents assisted ICE with the interception of smuggled Chinese workers who were being transported to a place of employment. Additionally, ICE and CBP OBP worked together with the New Orleans Police Department to provide security during the recent Mardi Gras celebrations.

These are but a few examples of the constant coordination and support at the field level between CBP's Office of Border Patrol and ICE.

V. CBP Office of Field Operations and ICE Office of Investigations Coordination

The CBP Office of Field Operations (OFO) and ICE OI signed a MOU in 2005, which has significantly improved mutual support, operational planning and information exchange between the two organizations. Recognizing that ICE OI is the primary contact for investigative matters for CBP OFO, the MOU created a nation-wide council of CBP Directors of Field Operations and ICE Special Agents in Charge. This council manages a range of interactions that require operational coordination across both agencies. The MOU has provided a framework for personnel exchanges and improved operational success:

- CBP Officers at land border ports, airports or seaports refer narcotic seizures, currency seizures, and trade fraud interceptions to the local ICE duty agent, who responds with the full investigative capabilities required to prepare these cases for Federal prosecution. This is the most typical interaction between CBP OFO and ICE, and occurs on a daily basis throughout the nation.
- ICE personnel have been assigned to the CBP National Targeting Center (NTC) to support bilateral cooperation on interdiction of attempts to enter the United States by potential terrorists. Working from the NTC, ICE has access to all information on attempted illegal entry of people or goods, and can focus investigative efforts more precisely.

- CBP and ICE have clarified their roles and responsibilities on the FBI-led Joint Terrorism Task Force (JTTF) and have enhanced the complimentary role the two agencies play in that organization. CBP and ICE jointly participated in a conference on JTTF operations in December, 2005, which laid the foundation for new operational guidance on mutual support through the JTTF.
- Joint CBP/ICE planning and implementation of special operations has become a highly sophisticated and successful example of how the two agencies work together to improve national security. Two recent examples of such operations include:
 - Operation Firewall - a bulk-cash interdiction operation coordinated through the ICE Financial Investigations section and the CBP Tactical Operations Division. The purpose of the operation is to intercept drug proceeds in large quantities. In addition to coordinating this operation with DHS, the International Affairs sections of both agencies also coordinated with State Department and the Government of Mexico. As part of this operation, training is being provided to Mexican law enforcement officers in interdiction techniques, which recently resulted in the largest currency seizure in Mexican history (\$7.8 million).
 - In close cooperation with the ICE-led Operative Blackjack taskforce, the Narco-Violence Initiative was conducted from August 2005 to January 2006, at the Port of Laredo. Driven by a new approach to using actionable and tactical intelligence in the field, the operation has been highly successful in apprehending of criminal gang members linked to border violence in Nuevo Laredo, Mexico, and Laredo, Texas, as well as interdicting narcotics, aliens and bulk cash smuggling activities.

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Once again, these are but a few examples of the day-to-day coordination between CBP and ICE at our nation's ports of entry.

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VI. Conclusion

Through personnel exchanges and extensive joint planning, CBP and ICE are coordinating today on the full range of operational and information sharing activities required to ensure optimum mission success by both agencies. The new DHS organization, which resulted from Secretary Chertoff's Second Stage Review, has provided DHS leadership with enhanced oversight that ensures that the two agencies focus effectively on their respective core missions of border interdiction and investigation, while mutually supporting each other where the missions overlap. Through the current organizational arrangements, CBP and ICE can focus on their core missions, while working together through numerous institutionalized arrangements for cooperation and joint planning.

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